

REMARKS

Claims 58-76 remain in this application. Claims 41-57 have been cancelled without prejudice to their subsequent reinstatement. Claims 58-76 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(b) Rejection - Pierrat

The Examiner has rejected claims 41-44 and 50-51 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,851,734 issued to Pierrat (hereinafter referred to as "Pierrat 734").

These claims have been cancelled herein. Therefore the rejection is moot.

35 U.S.C. §102(e) Rejection - Bae

The Examiner has rejected claims 41-44 and 50-51 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,821,690 issued to Bae (hereinafter "Bae").

These claims have been cancelled herein. Therefore the rejection is moot.

35 U.S.C. §103(a) Rejection – Bae or Pierrat in view of Pierrat

The Examiner has rejected claims 41-57 under 35 U.S.C. §103(a) as being unpatentable over Bae or Pierrat 734 an in view of U.S. Patent No. 6,541,165 issued to Pierrat (hereinafter "Pierrat 165").

Without admitting the appropriateness of this rejection as applied to claims 54-57 these claims have been cancelled herein. Therefore the rejection is moot.

New Claims 58-76

Claim 58 recites a set of masks comprising “*a first mask having a first pair of low and high transmittance phase shifting regions; and a second mask having a second pair of low and high transmittance phase shifting regions, wherein the second pair is reversed relative to the first pair and a high transmittance phase shifting region of the second pair corresponds to a low transmittance phase shifting region of the first pair*”.

Without admitting that any of the cited references Bae, Pierrat 734, and Pierrat 165 may be combined, Applicants respectfully submit that these limitations are not taught by any combination of these references.

Pierrat 734 does not appear to pertain to phase shifting. Likewise, Bae does not appear to pertain to phase shifting.

Pierrat 165 discusses phase shifting. However, Pierrat appears to discuss using a first opaque field phase shift mask and a complimentary binary mask (see e.g., the Abstract; also see e.g., column 2, lines 5-12). In any event, as understood by Applicants, Pierrat does not teach or suggest a first mask having a first pair of low and high transmittance phase shifting regions, and a second mask having a second pair of low and high transmittance phase shifting regions, wherein the second pair is reversed relative to the first pair.

Accordingly, claim 58 and its dependent claims are believed to be allowable.

Claim 67 and its dependent claims are believed to be allowable for similar reasons.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for a one-month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). A check in the amount of \$120.00 is included for this purpose.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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